

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

JOHN D. CERQUEIRA,

Plaintiff,

v.

AMERICAN AIRLINES, INC.,

Defendant.

Civil Action No. 05-11652-WGY

DECLARATION OF ROBERT S. LIBMAN

I, Robert S. Libman, declare:

1. I am a partner in the law firm of Miner, Barnhill, & Galland, 14 West Erie Street, Chicago, Illinois 60610. Miner, Barnhill, & Galland has a national reputation in civil rights litigation and neighborhood economic development work. In addition to its practice in these areas, the firm represents a broad range of individual and corporate clients, providing a wide variety of legal services.
2. I am a member in good standing of the bars of Illinois, California, and the District of Columbia, the United States Supreme Court, and the United States District Courts for the Northern District of Illinois, and the Northern District of California. I graduated from Stanford Law School in 1988. From 1988 to 1990, I served as a law clerk to the Honorable Joyce Hens Green of the United States District Court for the District of Columbia.
3. From 1991 to 2004, I worked in the Civil Rights Division of the U.S. Department of Justice, first as a trial attorney, then as a senior trial attorney, and later as a Special Litigation Counsel. At the Civil Rights Division, I litigated employment discrimination cases against state

and local government employers under Title VII of the Civil Rights Act of 1964. I served as lead trial counsel in several complex pattern-or-practice cases challenging various employment practices under theories of both disparate treatment and disparate impact. These cases included *United States v. Southeastern Pennsylvania Transportation Authority*, *United States v. McHenry County, Illinois*, and *United States v. New Jersey Department of Corrections*. I also served as supervisor of approximately thirty trial attorneys. I received numerous awards for sustained superior performance and was nominated for one of the Civil Rights Division's highest individual awards. In 2002, I was selected to serve on the Department of Justice's Employment Discrimination Task Force. I have served as a speaker and trainer to a variety of organizations in the area of employment discrimination, including the United States Equal Employment Opportunity Commission.

4. I joined Miner, Barnhill, & Galland in 2004. My practice focuses on representing plaintiffs in complex civil litigation in the areas of civil rights, false claims, and consumer protection. In the area of civil rights, I represent plaintiffs in both individual and class actions. In the areas of false claims and consumer protection, I currently serve as counsel to seven states in claims brought against dozens of pharmaceutical manufacturers alleging the reporting of false prices resulting in the overpayment hundreds of millions of dollars for prescription drugs by these states' Medicaid programs. My current billing rate is \$425 per hour.

5. I understand that plaintiff's counsel in this case is seeking an award of attorneys' fees for representing the prevailing party. I am familiar with this case and with Michael T. Kirkpatrick, one of the lead attorneys in the case. Mr. Kirkpatrick and I worked together at the Civil Rights Division for approximately six years. I was on the committee that interviewed Mr. Kirkpatrick

and recommended that he be offered a position as a trial attorney. For part of the time that I worked with Mr. Kirkpatrick, I was one of his supervisors. Mr. Kirkpatrick is, and has an established reputation as, an outstanding lawyer in general, and an outstanding civil rights advocate in particular.

6. It is my understanding that the plaintiff is requesting an hourly rate of \$375 per hour for Mr. Kirkpatrick's work. Based upon my personal knowledge of Mr. Kirkpatrick's skill, experience, and reputation, and his special competence in complex federal civil rights litigation, I believe that the hourly rate of \$375 being sought for his services in this case is quite reasonable and is below the prevailing rate for lawyers of his skill and experience.

7. I further understand that plaintiff is requesting attorneys fees for approximately 1,700 hours devoted to this matter. In my opinion this is a reasonable amount of time in light of the issues raised in this case. I also understand that Mr. Kirkpatrick and his co-counsel, David Godkin, took care not to duplicate efforts, and have exercised billing judgment by not seeking fees for all of the time actually spent on the case.

8. Finally, I believe that the attorneys' fees sought by plaintiff are appropriate because plaintiff's counsel achieved an excellent result that serves the public interest by vindicating a federal civil rights violation and holding a private corporation accountable for its violation of the law.

I declare under the penalty of perjury that the foregoing is true and correct. Executed this
27th day of January 2007.

/s/ Robert S. Libman
Robert S. Libman
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